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26889 7590 11/24/2008  
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EXAMINER

FERTIG, BRIAN E

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/717,883	<b>Applicant(s)</b> TRAMONTANO ET AL.	
	<b>Examiner</b> BRIAN FERTIG	<b>Art Unit</b> 3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-13 and 15-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-13, and 15-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This action is in response to Applicant's filing of 9/2/2008. Claims 1-5, 7-13, and 15-21 are pending and examined below.

#### ***Claim Objections***

1. Claim 10 is objected to because of the following informalities: This claim contains reference to the point of sale terminal that appears to have been deleted by amendment and therefore, lacks antecedent basis. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 13 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. These claims are directed to a process (method). The Court of Appeals for the Federal Circuit in *In re Bilski*, Appeal No. 2007-1130, has affirmed that a statutory process must (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing (i.e. the machine-or-transformation test). To qualify as a statutory process, the claim should positively recite the other statutory class (the thing or product) to which it is tied, for example, by identifying the apparatus that accomplishes the method steps, or positively recite the subject matter that is being

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transformed, for example, by identifying the material that is being changed to a different state.

Applicant is also directed to MPEP § 2173.05p, providing guidance with respect to reciting a product and process in the same claim and MPEP § 2111.02 [R3] providing guidance with respect to the effect of limitations within the preamble of a claim.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-5, 7-13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application 2004/0064373 for Shannon (Shannon).

With respect to claim 1

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Shannon teaches:

A method for providing a receipt to users a user of an Automated Teller Machine, ATM (see par 36, note the equivalence drawn between the POS of New Zealand and the corresponding ATM of the United States), comprising:

a) receiving at a host terminal (i.e. customer's bank in combination with image archive and retrieval application), which is controlled by a bank and which controls functionality of the ATM (see par 25, note that the customer's bank must authorize transactions), receipt information from the ATM (see par 26-27 and par 37, note that transaction information is sent to the customer's bank), which receipt information describes transactions undertaken by the users at the ATM (see par 26 , 37 and 42, note that the information includes details from the transaction);

b) for each of said transactions, printing an image of a receipt using respective receipt information (see par 17, 29-33, note that the receipt may be printed at the time of the transaction by the POS –i.e. actual POS receipt- or at a later time based on the data reconstructed from the information sent to the customer's bank); and

c) including the receipt images in monthly customer bank or account statements sent to the users (see par 31-33, note that a customer may request the printing of a monthly statement and associated receipts).

Shannon does not explicitly teach a host terminal, however, Shannon fairly suggests a host terminal in so far as Shannon teaches a banking network facilitating electronic

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payments. One of ordinary skill in the art would have understood Shannon's recitation of 'customer's bank' to include a host terminal since such a device would be instrumental in connecting to the banking network and facilitating electronic transactions.

With respect to claim 2

Shannon teaches:

A method as claimed in claim 1 (see rejection of claim 1 above), further comprising defining a format or layout for the receipt image using a template or form (see par 28-30 and fig 6-7, note that the data is submitted to the customer's bank in a predetermined format, and is then formatted in a manner which imitates the actual receipt, thus implying a format since the data must be arranged in such a way as to imitate the actual receipt, implying that it was not stored in that format).

(see rationale supporting obviousness of claim 1 above)

With respect to claim 3

Shannon teaches:

A method as claimed in claim 2 (see rejection of claim 2 above), further comprising storing the template or form at the ATM, and sending the receipt information in or with the template to the host terminal (see par 28, note the predetermined format used by the banking network. As such, the template must be stored at the POS so that the data can be properly formatted for use on the electronic banking network, and that data must be formatted and sent in the format of the electronic banking network. Note further that the POS prints an

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actual POS receipt at the time of the transaction, fairly suggesting a template or form, see par 17, 29-30 and fig 6).

(see rationale supporting obviousness of claim 1 above)

With respect to claim 4

Shannon teaches:

A method as claimed in claim 2 (see rejection of claim 2 above), further comprising storing the template or form at the host terminal, and using the receipt information and the template or form to create the receipt image (see par 28-29, note that the predetermined format is implicitly stored at the host terminal since the terminal must have this information in order to create the receipt by extracting the POS data and formatting it in a manner which when printed substantially imitates the actual POS receipt.).

(see rationale supporting obviousness of claim 1 above)

With respect to claim 5

Shannon teaches:

A method as claimed in claim 4 (see rejection of claim 4 above), wherein a plurality of templates are stored at the host terminal (see par 54 and fig 6-7, note the different receipt formats for use in selected markets.).

(see rationale supporting obviousness of claim 1 above)

With respect to claim 7

Shannon teaches:

A system for providing a receipt to a user, the system comprising:

a) an Automated Teller Machine, ATM (i.e. POS, see also par 36, note the equivalence drawn between the POS of New Zealand and the corresponding ATM of the United States ), which

i) undertakes a transaction with the user (see par 17, 22-23, note the purchase transaction) and

ii) generates receipt information which describes the transaction (see par 17, 29-31, note that the information is used to generate a receipt, either at the time of the transaction (i.e. actual POS receipt) or by later retrieval of the monthly statement by the user);

b) a host (i.e. customer's bank in combination with archive and retrieval application) which

i) is controlled by a bank and controls functionality of the ATM (i.e. customer's bank, see par 25, note that the customer's bank must authorize transactions)

ii) receives the receipt information from the ATM (see par 28-29, note that the customers bank is updated by the POS with transaction data);

iii) prints an image of a receipt using the receipt information (see par 33, note that the customers bank prints the receipt information either via display on the retrieval application of

the customer or through the printer associated with the retrieval application); and

iv) causes the receipt image to be included in a periodic monthly customer bank or account statement sent to the user (see par 31-33, note that a customer may request the printing of a monthly statement and associated receipts).

(see rationale supporting obviousness of claim 1 above)

With respect to claim 8

Shannon teaches:

A system as claimed in claim 7 (see rejection of claim 7 above), further comprising a template or form for defining a format or layout for the receipt image (see par 28-30, and fig 6-7 note that the data is submitted to the customer's bank in a predetermined format, and is then formatted in a manner which imitates the actual receipt, thus implying a format since the data must be arranged in such a way as to imitate the actual receipt, implying that it was not stored in that format.)

(see rationale supporting obviousness of claim 1 above)

With respect to claim 9

Shannon teaches:

A system as claimed in claim 8 (see rejection of claim 8 above), wherein the template or form is stored in the ATM, and the ATM is operable to send the receipt information in or with the template or form to the host terminal (see par 28, note the predetermined format used by the banking network. As such, the

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template must be stored at the POS so that the data can be properly formatted for use on the electronic banking network, and that data must be formatted and sent in the format of the electronic banking network, see also par 17, and 29-30 and fig 6-7, note the teaching the printing of the actual POS receipt.).

(see rationale supporting obviousness of claim 1 above)

With respect to claim 10

Shannon teaches:

A system as claimed in claim 8 (see rejection of claim 8 above), wherein the template or form is stored in the host, and the host is operable to generate the receipt image by including the receipt information received from the point of sale or self-service terminal in the template or form (see par 28-29, note that the predetermined format is implicitly stored at the host terminal since the terminal must have this information in order to create the receipt by extracting the POS data and formatting it in a manner which when printed substantially imitates the actual POS receipt).

(see rationale supporting obviousness of claim 1 above)

With respect to claim 11

Shannon teaches:

An automated teller machine (ATM) (i.e. POS, see also par 36, note the equivalence drawn between the POS of New Zealand and the corresponding ATM of the United States ) comprising:

a) an ATM receipt image template (see par 17, 28-30 and fig 6-7, note that the POS implicitly includes a template since it is able to produce a receipt that is substantially imitated by one that is later reproduced from extracted POS transaction data, i.e. the actual POS receipt and format the data for transmission on the electronic banking network);

b) a computing system (i.e. implied computing elements of POS) which

i) generates ATM transaction information which describes an ATM transaction when an ATM customer carries out an ATM transaction (see par 29-33, note that the transaction information is generated by extracting POS transaction data and formatting it in a manner that imitates the actual POS receipt); and

ii) sends the ATM transaction information to a remote terminal together with or in association with the ATM receipt image template (see par 29-33, note that the receipt information is sent to the customer's bank).

Shannon does not explicitly teach a computing system with the POS, but is fairly suggested since the POS is connected to an electronic banking network and facilitates electronic transactions.

(see also rationale supporting obviousness of claim 1 above)

With respect to claim 12

Shannon teaches:

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A system, comprising:

a) a host computer which is controlled by a bank (i.e. customer's bank in combination with bank archiving system and retrieval application, see par 26-33);

b) an Automated Teller Machine, ATM (i.e. POS, see also par 36, note the equivalence drawn between the POS of New Zealand and the corresponding ATM of the United States ), which includes

i) a communication link connecting with the host computer (see par 26 and 29, note the banking network), and

ii) a receipt image template which describes layout of receipt-type information for a transaction with a customer (see par 17, 29-30 and fig 6, note that printing of an actual POS receipt), which information includes

A) date of transaction (see par 40, 46, fig 6, note further that this data is non-functional descriptive material in so far as it does not impart any functionality to the invention and has the character of 'mere data'. It has been considered, but not given patentable weight so as to distinguish Applicant's invention from the prior art)

B) amount of transaction (see par 40, 46, fig 6, note further that this data is non-functional descriptive material in so far as it does not impart any functionality to the invention and has the character of 'mere data'. It has been considered, but not given patentable weight so as to distinguish Applicant's invention from the prior art),

C) identity of ATM (see par 40, 46, fig 6, note further that this data is non-functional descriptive material in so far as it does not impart any functionality to the invention and has the character of 'mere data'. It has been considered, but not given patentable weight so as to distinguish Applicant's invention from the prior art), and

D) account number involved in the transaction (see par 40, 46, fig 6, note further that this data is non-functional descriptive material in so far as it does not impart any functionality to the invention and has the character of 'mere data'. It has been considered, but not given patentable weight so as to distinguish Applicant's invention from the prior art);

iii) a computing system (i.e. system as a whole, including POS, consumer's bank, archive, and retrieval application) which

A) undertakes a transaction with a user (see par 17, 22-23, note the purchase transaction)

B) creates receipt-type information which describes the transaction (see par 26), and

C) transmits the receipt-type information to the host computer (see par 26-27), in which system the host computer (i.e. customer's bank in combination with bank archiving system, see par 26-32)

A) prints a receipt image using (1) the receipt-type information and (2) the template (see par 31-32, note that an image of the receipt is created and placed in the archive), and

B) includes the receipt image in a monthly account statement sent to the customer (see par 31-33, note that a customer may request the monthly statement and associated receipts which are sent to the customer via the retrieval application).

(see rationale supporting obviousness of claim 1 and 11 above)

With respect to claim 13

Shannon teaches:

A method of operating an automated teller machine (ATM) (i.e. POS, see also par 36, note the equivalence drawn between the POS of New Zealand and the corresponding ATM of the United States ) to provide an ATM customer carrying out an ATM transaction at the ATM with an ATM transactional receipt, the method comprising:

a) generating receipt information associated with the ATM transaction (see par 22-26, note that transaction information is produced in the course of the purchase transaction);

b) printing an image of the ATM transactional receipt based upon the receipt information associated with the ATM transaction (see par 29-

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33, note that a receipt may be printed at the time of the transaction and at a subsequent time); and

c) delivering the image of the ATM transactional receipt to the ATM customer, along with a periodic monthly bank statement delivered to the customer (see par 31-33, note that a customer may request the printing of a monthly statement and associated receipts, note also that the image is delivered by presentation by the retrieval application).

With respect to claim 15

Shannon teaches:

- ` An automated teller machine (ATM) (i.e. ATM, see par 36) comprising:
  - a) a communication link with a host computer (i.e. banking network, see par 36, note that the transaction data can be accessed to generate an electronic receipt);
  - b) a computer system within the ATM (i.e. computer system fairly suggested within the ATM, see rationale below) which
    - i) .generates receipt information associated with which describes an ATM transaction carried out by an ATM customer (see par 36, note that the ATM can access the transaction data stored by the customer's bank to generate the electronic receipt);
    - ii) creates an image of an ATM transactional receipt based upon the receipt information associated with the ATM transaction (see par 36,

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note that the ATM can access the transaction data stored by the customer's bank to generate the electronic receipt);

iii) enables the ATM customer to select a location other than at the ATM at which the image of the ATM transactional receipt is to be provided (see par 33, note that the retrieval device, including an ATM, is operable to email the receipt to a place of his or her choice) and

iv) sends the image to the selected location (see par 33, note that the retrieval device, including an ATM, is operable to email the receipt to a place of his or her choice).

Shannon does not explicitly teach a computer system within the ATM, however, Shannon fairly suggests such a computer since the ATM is connected to a financial network and facilitates electronic communication of transaction information.

7. Claims 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shannon in view of US Patent Application Publication 2003/0116621 for Duncan (Duncan).

With respect to claim 16

Shannon teaches:

ATM according to claim 11 (see rejection of claim 11 above), but does not explicitly teach in which the ATM prints no receipts for customers.

Duncan teaches:

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in which the ATM prints no receipts for customers (see par 126, note that the ATM provides a 'without receipt' option)

It would have been obvious to one having ordinary skill in the art at the time of Applicant's invention to have provided the POS of Shannon with the 'without receipt' option of Duncan in order to have communicated the user's preference not to receive a receipt for the transaction as taught implicitly by Duncan since the user is presented with options to either undertake the transaction with a receipt or without.

With respect to claim 17

Shannon teaches:

ATM according to claim 11 (see rejection of claim 11 above), but does not explicitly teach in which the ATM contains no printer which prints receipts for customers.

Duncan teaches:

in which the ATM contains no printer which prints receipts for customers (see par 126, note that while the invention of Duncan may continue to physically embody a printer, it is not a printer which prints receipts for customers for that particular transaction).

(see rationale supporting obviousness and motivation to combine of claim 16 above)

With respect to claim 18 and 20

See rationale supporting the rejection of claim 16 above

With respect to claim 19 and 21

See rationale supporting the rejection of claim 17 above

***Response to Arguments***

8. Applicant's arguments filed 9/2/2008 have been fully considered but they are not persuasive.

With respect to claims 1-5

With respect to Applicant's arguments concerning claim 1, the Examiner respectfully disagrees. Applicant argues that Shannon does not show that the transaction which the receipt represents takes place at an ATM. Examiner observes that Shannon teaches transactions taking place at a POS (see, at least, par 17). Shannon also draws an equivalence between ATMs of the United States and POSs, stating "Similarly, financial networks in the United States and elsewhere in the world providing ATM, credit and debit POS capabilities . . . ". Such a statement fairly suggests an equivalence between ATMs and POSs. In further support of the obviousness of such equivalence and interchangeability, Examiner points to Patents 5,703,795 (see col 38, lines 45-61), and 6,032,135 (see col 18, lines 50-53). Examiner also observes that these references identify a limited set of transaction device, that set including POSs and ATMs. In view of such a limited set of choices, and absent any teaching of the choice of one device over another, the choice of an ATM as compared to a POS is an obvious design choice.

Applicant also argues that the "host" of Shannon is not controlled by a bank, which controls the functionality of the ATM. Examiner respectfully disagrees. Examiner has identified the host is including, at least, Shannon's recitation of customer's bank as obviously suggesting a host terminal. Examiner observes that the host is controlled by

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the bank in so far as it is identically associates with customer's bank. Further, Examiner observes that Shannon teaches the bank's control of the ATM at par 25, in so far as the bank authorizes transactions.

In view of the discussion above, Examiner cannot agree that dependent claims 2-5 are allowable based on their incorporation of claim 1.

With respect to claim 7

With respect to Applicant's argument that Shannon does not show a printed receipt or inclusion of a receipt image in a monthly statement, Examiner respectfully disagrees. Examiner agrees that Shannon teaches the retrieval of the receipt electronically (i.e. par 32-33). Examiner points out that Shannon teaches printing of the receipt in at least two instances: first, the printing of the 'actual POS receipt' at the time of the transaction (see par 17, and 29-30) and second, the printing of the receipt in connection with the retrieval application (see par 33). Examiner further observes that Shannon teaches an association between the monthly statements and the receipts in par 33, which are retrieved by the customer. This retrieval fairly suggests sending the information to the customer. Examiner does not agree that electronic retrieval is precluded by Applicant's claim. Examiner further observes, that the claim language does not make identical the printed image and receipt image included with the monthly statement.

Examiner also respectfully observes that the data content of any monthly statement is likely to be non-functional descriptive material as Applicant's disclosure does not appear to disclose any functional use of the information in the monthly

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statement. Rather, the data would be in the nature of 'mere data', which would be considered but would not be given patentable weight for distinguishing Applicant's invention from the prior art based on its non-functional nature. Should Applicant wish to differentiate his invention based upon the concept of the image inclusion in monthly statement, Examiner respectfully suggests the inclusion of claims directed to the generation of the statement (i.e. correlating the receipt data with the particular customer statement) so as to make at least a portion of the statement data functional.

With respect to the balance of the arguments, please see discussion directed to claim 1 above.

With respect to claim 11

Examiner has clarified the rejection of claim 11 so as to identify the POS as the computing system which reads on the ATM of claim 11. The POS employs a template in at least two ways: first the POS places the data in the predetermined format for the electronic banking network (see par 28). Second, the POS formats the receipt it prints at the time of the transaction (i.e. the actual POS receipt) in the format identified by fig 6-7 and also recreated and saved in the archive (see par 29-32).

Further, with respect to point 2, Examiner observes that the claim recites "with or in" and not just with. Examiner respectfully suggests, the removal of the 'or in' recitation.

With respect to claim 12

With respect to Applicant's point regarding the specific information in the receipt, Examiner has respectfully pointed out the particular information recited in claim 12 (see see par 40, 46, fig 6). Examiner also respectfully notes that this data is non-functional

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descriptive material in so far as it does not impart any functionality to the invention and has the character of 'mere data' in so far as it merely is printed on the receipt and is not later used in any processing steps as the basis of a decision, nor does it effect the structure of the invention. It has been considered, but not given patentable weight so as to distinguish Applicant's invention from the prior art.

With respect to claim 13

With respect to the printing and inclusion of the receipt image in a monthly statement, Examiner identifies this teaching in par 32 of Shannon, and notes the tie between the monthly statement and receipts of Shannon and the retrieval and printing of this information via the retrieval application (par 33).

With respect to claim 15

With respect to Applicant's observation of that the transaction takes place at an ATM, please see the discussion pertaining to claim 1 above. With respect to the choice of sending the receipt information to another location, Examiner observes that Shannon suggests such functionality in par 33 with respect to the ability of the retrieval Application, including the ATM, to email the receipt to a location of the customer's choosing.

Also, Examiner acknowledges that the teaching of par 33 is directed to retrieving a static image from the archive as compared to data which is then processed by the ATM in conjunction with the template into a receipt. Examiner observes, however, that such functionality is fairly suggested in par 36.

With respect to claims 16-21

Examiner acknowledges Applicant's arguments and observes that Examiner has rejected these claims based on the addition of Duncan, which teaches an option to print without a receipt. Examiner also observes that claims 17, 19, and 21 still allow for a printer within the ATM and respectfully suggests the removal of the 'which' clause. See also MPEP § 2144.04 discussing the obviousness with respect to *In re Edge*. Note that elimination of an element and retention of the function is indicia on unobviousness. As such inclusion of both the lack of a printer and the retention of the printing function is likely to be unobvious.

#### ***Examination Note***

9. Examiner respectfully notes that in claims 11, 17, 19, and 21, examiner has made suggestions that are likely to allow the claims to be differentiated over Shannon and Duncan. Particularly, with respect to claim 11, note that the sending of the format with (and not in) combined with a positive recitation of the printing of the receipt based on the transmitted format, is likely to have the effect of making the format functional descriptive material so as to allow for the differentiation over Shannon.

#### ***Inquiry***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN FERTIG whose telephone number is (571)270-5131. The examiner can normally be reached on Monday - Friday 8:30am to 5:00pm EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's

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supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B.F./

/Mary Cheung/  
Primary Examiner, Art Unit 3694